

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EDWARD KIM, M.D.,

Plaintiff,

-v-

6:22-CV-521

BASSETT MEDICAL CENTER,

Defendant.

DAVID N. HURD
United States District Judge

ORDER

On May 18, 2022, plaintiff Edward Kim, M.D. (“Kim” or “plaintiff”), a “first-year preliminary intern” in a medical residency program administered by defendant Bassett Medical Center (“Bassett” or “defendant”), filed this action alleging that defendant has violated his civil rights under Title IX of the Education Amendments of 1972 and related state law. Dkt. No. 1.

On May 31, 2022, Kim moved on an emergency basis for a temporary restraining order (“TRO”) and a preliminary injunction. Dkt. No. 6. As plaintiff explains in his filings in support of injunctive relief, absent immediate intervention from this Court he will be prevented from timely completing Bassett’s residency program and, consequently, he will become

ineligible to begin his four-year radiology residency program at Loma Linda University Medical Center that begins on July 1, 2022. Dkt. Nos. 7–9.

Upon review of plaintiff's memorandum of law and supporting documentation, it is

ORDERED that

1. Plaintiff's motion for a temporary restraining order is GRANTED;
2. Defendant, its officers, agents, employees, attorneys and successors in office, and all other persons in active concert or participation with it, are temporarily ENJOINED as follows:

(a) defendant Bassett is directed to reinstate plaintiff to its residency

program;

(b) defendant Bassett is enjoined from conducting any disciplinary proceeding that fails to conform with the current requirements of Title IX; and, relatedly,

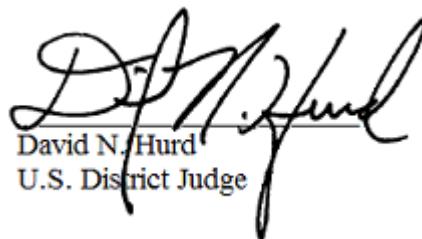
(c) defendant Bassett is precluded from enforcing “any and all sanctions” against plaintiff that arise from any prior disciplinary proceeding;

3. Plaintiff shall serve defendant with (1) this Order; (2) the complaint and any supporting exhibits; and (3) the motion for a temporary restraining order and preliminary injunction on or before Friday, June 3, 2022;

4. Defendant is to advise the Court if it opposes plaintiff's request to convert the TRO to a preliminary injunction;
5. If yes, defendant shall file and serve all submissions in opposition to plaintiff's motion for a preliminary injunction on or before Thursday, June 16, 2022;
6. Plaintiff may file and serve a reply on or before Monday, June 20, 2022; and
7. Defendant shall SHOW CAUSE at an in-person oral argument to be held at 10:00 a.m. on Thursday, June 23, 2022 at the United States Courthouse in Utica, New York why the temporary restraining order should not be converted to a preliminary injunction in accordance with Rule 65 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: June 1, 2022 at 10:00 a.m.
Utica, New York.



David N. Hurd
U.S. District Judge